

R E M A R K S

In the above-identified Office Action, the Examiner has rejected claims 11 and 29 as indefinite for containing a trademark. Applicant has amended these claims to delete the reference to a trademark and as such, the claims are now considered definite.

Claims 1-4, 6-9, 12-16, 20-22 and 30-31 have been rejected as unpatentable over the patent to Kato et al. in view of Wong et al. and European Patent 105994. Applicant has amended claim 1 so that it now recites that the carrier is a fatty acid carrier and the second plasticizer consists essentially of a block copolymer different from the first plasticizer. Applicant notes that Kato et al. provides a laundry list of waxes which may be used with its subject invention, as well as a laundry list of resins. The Examiner states that what is missing from Kato et al. is a first plasticizer and a liner block copolymer. The Examiner has attempted to combine the teachings of Wong et al. for its disclosure of an aromatic hydrocarbon plasticizer and the European patent for its use of a styrene-butadiene-styrene block copolymer. Assuming for the moment that such combinations are valid, the Examiner has not provided the second plasticizer, which as now claimed is different from the first plasticizer. On this basis alone, Applicant believes that claim 1, as amended, is patentable.

The Examiner is using the European patent for its teaching of a styrene-butadiene-styrene block copolymer apparently with reference to claims 8-9; however, Applicant disagrees with the Examiner's interpretation of the European patent. What appears to be taught therein is a styrene block copolymer with butadiene, not as set forth in claims 8, 9 and now amended claim 30, a tri-block copolymer. Styrene block copolymer with butadiene as disclosed in the European patent has structure of ABABAB, where what is claimed is ABAABAABA. Accordingly, Applicant does not believe that the combination of references cited by the Examiner teach the invention recited in claims 8, 9 and amended claim 30.

Claims 1-5, 6-9, 12-17, 18, 20-22, 25-27 and 30-31 have been rejected as obvious over the patent to Kato et al. in view of Wong et al. al., the European patent, and Scheibelhoffer et al. Applicant repeats the above remarks wherein the conclusion is that the references of Kato et al., Wong et al. and the European patent do not render the subject application obvious. The Examiner has cited the additional reference to

Scheibelhoffer et al. for its disclosure of the use of a flow additive in the range of 0.1% to 10%, with the flow additive being a fluorine containing copolymer. Scheibelhoffer et al. discloses in column 9, lines 60-63 fluorinated fatty acids for use as a flow control agent. Applicant notes that claims 5 and 25, directed to a fluorinated polyolefin copolymer, is a completely different composition. Accordingly, Scheibelhoffer et al. cannot be utilized in rendering such claims unpatentable.

Further, the Examiner has stated that the difference between 1% linear block copolymer and 2% is a "slight" difference and such a "slight" difference does not render the claims unpatentable. Applicant disagrees with this noting that when dealing with block copolymers the properties and reaction capabilities are completely unpredictable, as is well known in the art and as such, the difference between 1% and 2% can be the difference between something working and something not working. As a result, the Applicant does not believe that the doctrine cited by the Examiner can apply in a case such as that at hand. The cases cited by the Examiner define a slight difference as one in which one would expect the compared compositions to have the same properties. Here one cannot do so because of the unpredictability of the chemical area generally and block copolymers particularly.

Claims 10 and 28 have been rejected as obvious over Kato et al. in view of Wong et al., the European patent, Scheibelhoffer et al., and further in view of Baker et al. The Examiner has stated that it would have been obvious to use the block copolymer of Baker et al. in the ink of Kato et al. to produce an ink with suitable viscosity. Claims 10 and 28 both depend from a claim which has been indicated as allowable above, and accordingly such these claims encompass all of the limitations of these allowable claims, and as such should be allowable.

Claims 11 and 29 have been rejected as being unpatentable over Kato et al. in view of Wong et al., the European patent, Scheibelhoffer et al., and further in view of Takizawa et al. and Howald. Claims 11 and 29 have been amended so that they now recite that the colorant is a dye. Further, these claims depend from a claim indicated as being allowable above, and as such Applicant believes that such claims are also allowable depending from an allowable claim.

Claim 24 has been rejected as being obvious over Kato et al. in view of the European patent. The Examiner has cited Kato et al. for his disclosure of *inter alia* 5 to 70% resin including butyral resin, polyester and polyamide wherein it is disclosed that the resin is used singly or in a mixture of two or more kinds. As noted above, the Examiner is in error when he states that the European patent discloses the use of styrene-butadiene-styrene block copolymer. The European patent discloses simply styrene block copolymers with butadiene which is not as stated by the Examiner. Further, Applicant believes that claim 1 on which claim 24 depends is allowable as set forth above and accordingly, claim 24 should also be allowable.

Claims 1-10, 12-22 and 25-28 have been rejected as unpatentable over Baker et al. in view of Wong et al., Kato et al. and Scheibelhoffer et al. The Examiner states that Baker et al. discloses stearic acid, styrene-butadiene-styrene block copolymer and colorant. The Examiner also states that the addition of Wong et al. adds aromatic hydrocarbon plasticizer, Kato et al. adds butyral resin and Scheibelhoffer et al. adds a flow additive. However, the Examiner is reading Baker et al. wrong. Baker et al. teaches that it may either use a non-dispersible wax or a non-dispersible resin. Accordingly, Baker does not teach the use of both of these compositions but one or the other and as such, cannot be used in a teaching which requires the use of both together. The result, the combination of references put forth, by the Examiner, must fail and the claims are patentable over such combination.

Claims 1-9, 12-16, 18-23, 25-28 and 30-31 have been rejected as being unpatentable over Baker et al., in view of Wong et al., the European patent and Scheibelhoffer et al. Again, the Examiner is utilizing Baker et al. to teach the use of stearic acid, resin and colorant. As stated above, Baker et al. teaches the use of either stearic acid or the resin and accordingly, Baker et al. does not teach, as stated by the Examiner, stearic acid, polyolefin butyral and colorant, but rather stearic acid or polyolefin butyral and colorant. Accordingly, the Examiner's main premise being faulty, the combination cited by the Examiner must fail and claims 1-9, 12-16, 18-23, 25-28 and 30-31 are patentable over such combination.

Accordingly, Applicant believes that the claims as amended are patentable and request allowance thereof.

Applicant hereby requests reconsideration and re-examination thereof.

With the above amendments and the remarks, this application is considered ready for allowance, and Applicants earnestly solicit an early notice of same. If the Examiner believes that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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